

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

FILED

JUL 20 2005

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY KS DEPUTY

State of Oklahoma, ex rel.
Department of Transportation,

Plaintiff,

vs.

United States Department of Interior, Bureau of Indian
Affairs on Behalf of the Heirs of Ahsuddy Kis, Wichita
Roll No. 335; et al.,

Defendants.

Case No. CIV-04-363-W

AGREED JOURNAL ENTRY FOR CONDEMNATION OF RIGHTS-OF-WAY AND EASEMENTS

After a review of the file and on the representation of the parties, the Court finds:


1. Proper service has been obtained on the United States, as Trustee for the named restricted Indian defendants and their heirs as well as upon the individually named restricted Indians or their estates.
2. Attached is a description of the estate which Plaintiff seeks to condemn and the legal description of the real property. The estate acquired in the described real property is a perpetual highway easement unless otherwise specified in the legal descriptions and excludes all oil, gas and other minerals. The State shall have the right to use gravel, sand, and soil and other road building materials for the condemned estate as necessary for the State's intended purpose for the lands. The attached description of the estate taken in the real property described replaces and supersedes the legal description contained in the Complaint.
3. The Plaintiff seeks to condemn the estate in the described real property for a legitimate public purpose, the improvement of roads and highways within the state of Oklahoma.

4. The estate and the amount of real property which the state of Oklahoma seeks to condemn by this action is appropriate for the stated public purpose for which it is sought.
5. The Parties have exchanged appraisal information and agree that based upon the appraisal figures, cost of litigation and other factors that it is in the best interest of all parties to settle this case for the settlement amount. No Report of Commissioners has been filed. The Commissioners should be therefore be discharged.
6. Defendants' recovery of just compensation for the taking of the estate in the real property described should be fixed in the amount of Ten Thousand and no/100 Dollars (\$10,000.00). The Court further finds that the Plaintiff is ordered to deposit the funds immediately with the Clerk of this Court. On deposit of the funds, Plaintiff should be discharged.
7. Upon receipt of the funds from the state of Oklahoma, and without further application, the Court Clerk should be ordered to pay said monies, without poundage or other deduction, to the United States Bureau of Indian Affairs c/o The United States Attorney's Office for the Western District of Oklahoma, 210 Park Ave., Suite 400, Oklahoma City, OK 73012 for allocation , distribution and payment to the restricted Indians and their heirs and devisees as prescribed by the polices of the U.S. Bureau of Indian Affairs.

8. That the State of Oklahoma be vested with the estate described in the lands described in the attachment to this Judgment.

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated: JUL 20 2005


LEE R. WEST
United States District Judge

Approved:

/s/ Becky D. McDown
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/s/ Tom Majors
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19392(06)
STPY-108B(073)RW
Parcel 17

A strip, piece or parcel of land lying in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 2, T 7N, R 13W, in Caddo County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the NW corner of said N $\frac{1}{2}$ NW $\frac{1}{4}$, thence S 00°18'40" W along the West line of said N $\frac{1}{2}$ NW $\frac{1}{4}$ a distance of 50.00 feet to a point on the present South right-of-way line of State Highway No. 9, thence S 89°36'00" E along said right-of-way line a distance of 33.00 feet to point of beginning, thence continuing S 89°36'00" E along said right-of-way a distance of 2,606.99 feet to a point on the East line of said N $\frac{1}{2}$ NW $\frac{1}{4}$, said point being 50.00 feet S 00°18'21" W of the NE corner of said N $\frac{1}{2}$ NW $\frac{1}{4}$, thence S 00°18'21" W along said East line a distance of 25.00 feet, thence N 89°36'00" W a distance of 2,606.99 feet to a point 33.00 feet East of the West line of said N $\frac{1}{2}$ NW $\frac{1}{4}$, thence N 00°18'40" E on a line parallel to and 33.00 feet East of said West line a distance of 25.00 feet to point of beginning.

Containing 1.50 acres, more or less.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.